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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,415	04/26/2000	Mirosław Z. Bober	0054-0205P-SP	1497

7590 03/13/2003
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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/559,415	BOBER, MIROSLAW Z.	
	Examiner	Art Unit	
	Baoquoc N To	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 5, 11-15 and 18-32 is/are withdrawn from consideration. *Cancelled*
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claim 4 is canceled and newly added claim 18-32 on the amendment 02/17/03.
2. The applicant's representative Clint A. Gerdine, Reg. No. 41,035 elected group II, claims 6-10 and canceled group I, claims 1-3, 5 and 18-32 without traverse on the Restriction/Requirement on the telephone interview on Feb 25, 2003.
3. Claims 6-10 are pending in this application.

Response to Arguments

4. Applicant's arguments with respect to claim 6-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eakins et al. (Retrieval of trade mark images by shape feature-the ARTISAN project, Intelligent Image Databases, IEE Colloquium, Page 9/1-9/6, May 22, 1996).

Regarding on claim 6, Eakins teaches a method of searching for an object in still or video images by processing signals corresponding to image, the method comprising:

Associating the two or more view descriptors to form at least one stored object descriptor containing the view descriptor (grouping of region boundaries into families,

Inputting a query to the computer in the form of at least one two-dimensional outline of the object (page 2, line 35);

Deriving a descriptor of the query object (page 5, lines 1-11);

Comparing said query descriptor with said object descriptor (page 2, lines 36);

Selecting and displaying at least one result corresponding to an image containing an object for which the comparison between the respective descriptor and the query descriptor indicate a degree of similarity between the query and said object (page 2, line 37 and page. 4, lines 33-36).

Eakins does not explicitly teach deriving a view descriptor of the first outline of the object, deriving at least one additional view descriptor of the outline of the object in a different view. However, Eakins teaches, "This module derives a set of shape features of the image at three different levels: the entire image, each proximal family, and each individual boundary. We are still experimenting with alternative set of shape features and ways to associating them with image component" (col. 4, lines 11-14). This teaches that the entire image is first outline of the object and the additional view descriptor is each proximal family or each individual boundary. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include entire image as one view and each proximal is at least another view in order to allow all the image features to be extracted and stored in the database and also allowing the user to search for these features to obtain the image.

Regarding on claim 7, Eakins a query is input in the form of two or more two-dimensional outlines of an object, and wherein a query view descriptor is derived for each said outline, and wherein the step of comparing comprises comparing each said query view descriptor with each view descriptor in each stored object descriptor to derive a plurality of view similarity values (col. 2, line 36).

Regarding on claim 8, Eakins teaches the view-similarity values are analyzed to derive object similarity values (computes appropriate similarity scores) (page. 4, line 34-35).

Regarding on claim 9, Eakins teaches at least some of the object descriptor include view-independent descriptors derived in accordance with the method of claim 3 and wherein the method comprises inputting a view-independent query value and the step of comparing compares the query value with the view-independent descriptors for the stored object descriptor (page 4, lines 33-36).

Regarding on claim 10, Eakins teaches the query descriptor is derived using a curvature scale space representation of the query object outline (page 5, lines 6-11).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eakins et al. (Similarity Retrieval of Trademark Images) April-June 1998

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).



JEAN M. CORRIELLUS
PRIMARY EXAMINER

Baoquoc N. To

Feb 28, 2003